

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TRACEY H.J.,

Plaintiff,

v.

Civil Action No. 3:20cv564

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant.

FINAL ORDER

This matter comes before the Court on the December 1, 2021 Report and Recommendation issued by the Honorable Mark R. Colombell, United States Magistrate Judge (the “R&R”). (ECF No. 34). The R&R recommends that Plaintiff’s Motion for Summary Judgment be denied and Defendant’s Motion for Summary Judgment be granted because the Administrative Law Judge (“ALJ”): (1) properly assessed Plaintiff’s residual functional capacity by considering the totality of the evidence; (2) properly considered Plaintiff’s subjective complaints of pain; and, (3) properly assessed Dr. Higg’s treatment records. Plaintiff has not filed objections to the R&R, and the time to do so has expired. (*See* R&R 26 (providing Plaintiff fourteen days to file objections).)


Finding no error, the Court:

- (1) ADOPTS the findings and recommendations as set forth in the R&R, (ECF No. 34);
- (2) DENIES Plaintiff’s Motion for Summary Judgment, (ECF No. 27);
- (3) GRANTS Defendant’s Motion for Summary Judgment, (ECF No. 28);
- (4) AFFIRMS the decision of the Commissioner; and,
- (5) DIRECTS the Clerk to CLOSE this case.

Let the Clerk send a copy of this Order to Plaintiff.

It is so ORDERED.

Date: 12-16-21
Richmond, Virginia

/s/ 
M. Hannah Lauck
United States District Judge